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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,986	07/05/2007	Joseph Lanzarotta	P03040US2A	7510

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BRIDGESTONE AMERICAS HOLDING, INC.  
1200 FIRESTONE PARKWAY  
AKRON, OH 44317

EXAMINER
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CHEUNG, WILLIAM K

ART UNIT	PAPER NUMBER
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1796

MAIL DATE	DELIVERY MODE
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01/13/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/567,986	<b>Applicant(s)</b> LANZAROTTA ET AL.	
	<b>Examiner</b> WILLIAM K. CHEUNG	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4-8, 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 (line 3), claim 5 (line 3), claim 8 (line 1), claim 10 (line 3), the recitations “about” is considered indefinite. The recitations fail to properly set the metes and bounds of the claims.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Bruck et al. (DE 3501 697).

- |   |
|---|
| <ol style="list-style-type: none"><li>1. A rubber composition comprising at least a surfactant containing a thio functionality.</li></ol> |
|---|

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4. An elastomer based rubber composition comprising per 100 parts of elastomer, and about 0.02-10 parts of a surfactant containing a thio functionality.

5. An elastomer based rubber composition comprising per 100 parts of elastomer, and about 0.02-10 parts of an thioether surfactant.

Bruck et al. disclose a rubber composition which comprises (A) 100 parts by weight of a mixture of butadiene-acrylonitrile copolymer with different acrylonitrile content and a terpolymer of ethylene, propylene, and a diene (ethylidenenorbornene or hexa-1,4-diene) and (B) 10 parts by weight of a ether-thioether such as Vulkanol 85® as described in example 1. Applicants' specification seems to indicate that the claimed chemical structure (page 5, line 25-30) is the preferable embodiment, which can be obtained from Bayer Corporation.

The obtained co-vulcanizates are suitable as pipe coverings, conveyor belt coverings, or drive belts (p.5, 1.4-5). They show a good resistance to ozone (p.3, 1.6 ; p.5, 1.2 : p.10, 1.6). Consequently, the subject-matter of claims 1-7 is anticipated.

5. Claims 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Bataille et al. (US 2001/0051677).

8. A vulcanized tire sidewall comprising based on 100 part of elastomer and about 0.02-10 parts of a surfactant containing a thio functionality.

9. A tire comprising a vulcanized sidewall component comprising a sulfur-containing surfactant.

10. A method of forming a film on the exposed surface of vulcanized rubber, comprising;  
adding about 0.02-10 parts of a surfactant containing a thio functionality to a rubber composition,  
curing said rubber composition,  
exposing the cured rubber composition to ozone.

Bataille et al. (page 7, claims 38-39) disclose a tire and the process for making the same, where the side walls of which comprise a vulcanized elastomer, and alkylsulfonic or alkylsulfuric acid (surfactant containing a thio functionality), in an amount of between 0.5 and 10 phr. The said process involves the exposing the tire side wall to ambient air having an ozone concentration (for curing) to form a film having a thickness of equal to or greater than 0.5 microns formed on the outer face of the sidewall. Therefore, claims 8-10 are anticipated.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM K. CHEUNG whose telephone number is (571)272-1097. The examiner can normally be reached on Monday-Friday 9:00AM to 2:00PM; 4:00PM to 8:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David WU can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William K Cheung/  
Primary Examiner, Art Unit 1796

William K. Cheung, Ph. D.  
Primary Examiner  
December 20, 2008